

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BREEANNE BUCKLEY PENI, individually
and on behalf of all others similarly situated,

Plaintiff,

v.

DAILY HARVEST, INC. and SECOND BITE
FOODS, INC. d/b/a “STONE GATE FOODS”,
and JOHN DOE ENTITIES 1-5,

Defendants.

Civil Case No. 1:22-cv-05443-DLC

**Declaration of Breeanne Buckley Peni
in Opposition to Defendant Daily
Harvest’ Inc.’s Motion to Compel
Arbitration and Stay All Proceedings**

BREANNE BUCKLEY PENI, hereby declares the following to be true and correct under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am the above-named plaintiff in this case.
2. I have reviewed the Declaration of Ricky Silver filed in support of defendant Daily Harvest’s motion seeking to compel arbitration of my claims.
3. I do not recall whether I did or did not read the Daily Harvest Terms of Use.
4. I never read the JAMS Streamlined Arbitration Rules & Procedures.
5. Any purchases I made were automatically billed to my credit card when ordered. My purchases in May 2022 totaled approximately \$121.66 and after discounts I paid \$83.75. The price of the French Lentil & Leek Crumbles that I ordered was \$9.79.
6. I never thought that I would be prevented from filing a claim for personal injuries against Daily Harvest in court. I never intended to arbitrate any personal injuries claims.
7. I am not experienced in the drafting or negotiation of contracts.
8. I believe that it is unfair to require me to arbitrate my personal injury claims.

I declare the foregoing to be true and correct under penalty of perjury.

Dated: September 3, 2022.

A handwritten signature in black ink, appearing to read "Buckley Peni". The signature is written in a cursive, flowing style with a period at the end.

Breanne Buckley Peni